

# Exhibit D

UNITED STATES DISTRICT COURT  
STATE OF NEVADA

\* \* \* \* \*

JOYCE ZAIC, )  
 ) Case No:  
Plaintiff, ) 2:10-cv-01814-PMP  
 ) -LRL  
vs. )  
 )  
LAS VEGAS METROPOLITAN )  
POLICE DEPARTMENT, a )  
political subdivision of )  
the STATE OF NEVADA; )  
DANIELLE PIEPER, )  
individually; B. EAGER )  
P#6189, individually, and )  
in his official capacity as )  
a police officer; T. )  
FREDERICK P#9793, )  
individually, and in his )  
official capacity as a )  
police officer; SUNRISE )  
MOUNTAINVIEW HOSPITAL, )  
INC.; NEAL, a security )  
guard for MOUNTAINVIEW )  
HOSPITAL; CHRISTOPHER )  
SIMMS; security guard for )  
MOUNTAINVIEW HOSPITAL; JOHN )  
DOES I through X; and ROE )  
INSTITUTIONS I through X, )  
inclusive, )  
 )  
Defendants. )  
 )

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VIDEOTAPED DEPOSITION OF JOYCE ZAIC

At Marquis Aurbach Coffing  
On Wednesday, May 25, 2011  
At 11:10 a.m.

At 10001 Park Run Drive  
Las Vegas, Nevada

Reported by: Cameo L. Kayser, RPR, CCR No. 569

CAMEO KAYSER & ASSOCIATES (702) 655-5092



1 Q. During that time in the hospital, how  
2 often would you visit your father?  
3 A. Every day.  
4 Q. Who else would visit your father?  
5 A. My two brothers, and my mother was there  
6 because my two brothers brought her there. She  
7 didn't drive there by herself.  
8 Q. Anybody else visit her -- him? Excuse  
9 me.  
10 A. No.  
11 Q. Did he have any friends that would come  
12 visit him?  
13 A. We didn't let anybody know.  
14 Q. You didn't let anybody know about his  
15 hospitalization?  
16 A. No, no. No friends came to visit.  
17 Q. What was he hospitalized for?  
18 A. My dad's friends were his family.  
19 Children were his best friends.  
20 Q. What was your father hospitalized for?  
21 A. It was tests. It was just supposed to  
22 get tests. I don't know. They brought him there,  
23 and he told them not to bring him there, and they  
24 did anyways, the ambulance.  
25 Q. While your father was in the hospital,

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1 did you have any incidents or altercations or  
2 problems with the hospital?  
3 A. Yes.  
4 Q. Were you ever asked to leave?  
5 A. Yes.  
6 Q. What type of incidents did you have with  
7 them?  
8 A. Security guards were harassing me and  
9 wouldn't let me be with my dad.  
10 Q. Did you ever have specific visiting hours  
11 imposed on you?  
12 A. No.  
13 Q. So you were never told you can only visit  
14 him on these days at this time?  
15 A. No.  
16 Q. Were you ever escorted out of the  
17 hospital?  
18 A. Yes.  
19 Q. How many occasions?  
20 A. Several.  
21 Q. Why were you escorted out of the hospital  
22 on several occasions?  
23 A. They wouldn't tell me. I asked them, and  
24 they wouldn't tell me. They just said, You know  
25 why.

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1 Q. And if you need a break, feel free to  
2 stop, and we can take a break. I know this is --  
3 MR. POTTER: Do you want some water?  
4 THE WITNESS: (Witness shakes head.)  
5 BY MR. BENSON:  
6 Q. So when you were asked to leave the  
7 hospital, they never indicated why?  
8 A. No. Because they threatened me. They  
9 said we're going to have you arrested. They  
10 wouldn't let me be with my dad.  
11 Q. Did you ever yell at anyone in the  
12 hospital?  
13 A. No.  
14 Q. Did you ever use profanity towards anyone  
15 in the hospital?  
16 A. No.  
17 Q. Did you ever have a meeting with people  
18 in the hospital where Metro showed up?  
19 A. Could you rephrase that?  
20 Q. Did you ever meet with anyone in the  
21 hospital where Metro or the police officers were  
22 there to keep the peace?  
23 A. Oh March 2nd.  
24 Q. What happened on March 2nd?  
25 A. There was supposed to be a family

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1 meeting, and the doctor called a family meeting,  
2 and -- because my dad almost died. They put a  
3 pacemaker in him. And nobody wanted to talk. They  
4 didn't do any tests on him or nothing. They just  
5 put it in within him 15 minutes of being there.  
6 Supposed to do tests, supposed to do days of testing  
7 before you just put pacemakers in, and they didn't.  
8 And there's complications, and he almost  
9 died from the pacemaker that they shouldn't have put  
10 in in the first place because something else was  
11 wrong with him. He didn't need a pacemaker. The  
12 nurse said probably -- she -- he didn't need a  
13 pacemaker. If they would have done tests, they  
14 would have known he didn't need a pacemaker.  
15 And there was supposed to be a family  
16 meeting with the doctor, and I called my brother and  
17 told him there is going to be a family meeting at  
18 11:00 tomorrow if you want to go. The doctor is  
19 going to explain everything. So he says, Okay. So  
20 then -- I forgot which brother I told, Lewis or  
21 Steve. I don't recall which one I told.  
22 And so I was waiting for them. I thought  
23 everybody was okay, you know. My father was in the  
24 hospital. I was waiting for them in the waiting  
25 room there to come out of the elevator. I was

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1 waiting for them.

2 And all three of them, my mom and my two  
3 brothers, come out of the elevator with two  
4 uniformed police officers and the security guards,  
5 if I remember correctly, the security guards. The  
6 security guards were there. I don't remember if  
7 they were in the elevator with them or not. I think  
8 they all got out the elevator together.

9 And the security guard and police  
10 officers were standing there talking to the security  
11 guard. And the security guard said, We're going to  
12 have you arrested. The security guards were  
13 harassing me.

14 And then the police officer -- me and  
15 Lewis got in an argument or something, and then the  
16 police officers just -- this is -- if I can recall,  
17 this is what happened -- the police officers didn't  
18 really -- they were trying to like, let's -- they  
19 didn't really know what was going on because they  
20 were hearing one thing, me arguing with my brother.  
21 This is what I felt. They were arguing -- me  
22 arguing with my brother, and then the security  
23 guards telling me they are going to have me  
24 arrested.

25 Then the one police officer, you know, he

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1 the one that releases them, then he's the one who  
2 requested them.

3 Q. So your only knowledge on who requested  
4 them is the fact that Lewis released them?

5 A. Yes.

6 Q. Any other basis on why Lewis requested  
7 them other than that?

8 A. To harass me and maybe to -- that's it.  
9 I don't know. I have no clue. I'm clueless.

10 Q. While your father was hospitalized, was  
11 there a larceny ever reported against you?

12 A. Not that I'm aware of.

13 Q. Your brother never accused you of  
14 stealing his phone?

15 A. I never received any complaint. A police  
16 officer did go into my father's hospital room and  
17 question me about that, and it was very brief, and I  
18 said it was just me and my dad. My dad was awake at  
19 that time, and I said, My dad is very sick. Can you  
20 leave? And he just turned around and left and that  
21 was it.

22 And I think somebody might have called me  
23 on the phone; however, I don't recall. And that was  
24 it. That's the only thing I heard about that. I  
25 never read a complaint or anything. I've never

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1 approached me, and he just -- he just said, We are  
2 just here to keep the peace, that's it. That's all  
3 he said. He said, That's all we're here for, just  
4 to keep the peace, you know. They didn't really say  
5 anything to me.

6 And then we had the family meeting, and  
7 the police officers were waiting outside the door.  
8 And then Lewis said after the meeting, I'm going to  
9 release the police officers. But he wasn't even  
10 working, Lewis. He was off duty, and he's not their  
11 superior; so he doesn't have -- why should he  
12 release them, so -- so that's what happened. Oh --

13 Q. So the police --

14 A. -- and okay.

15 Q. What were you going to say?

16 A. That's it.

17 Q. So the police officers came to the  
18 March 2nd, 2008 family meeting to keep the peace?

19 A. That's what they told me they were there  
20 for.

21 Q. Do you know who requested that they come?

22 A. No, I did not. Lewis did.

23 Q. Lewis requested that they come?

24 A. Yes. He's the one that released them.

25 He said he was going to release them. So if he's

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1 received a complaint. I've never been arraigned or  
2 anything.

3 Q. Did you take your brother's phone?

4 A. No.

5 Q. Now, after March 7th, did you ever refuse  
6 to leave the hospital when asked?

7 A. Not that I can recall.

8 Q. Were you ever notified that you were in  
9 the hospital during nonvisiting hours?

10 A. I think the girl did say something like  
11 that, one of the nurses. And they had 24-hour  
12 visiting; so I didn't know what she was talking  
13 about.

14 Q. What did you say to her when she told you  
15 it wasn't visiting hours?

16 A. I just said -- she said, You're not  
17 allowed to be here, I think, and I said, Why not?  
18 Visiting hours start at 8:00. They only close one  
19 hour out of the 24 hours from, I think it was 7:00  
20 to 8:00 or 8:00 to 9:00, if I can remember  
21 correctly. And I just got off work. I think I  
22 said, It's 10:00 o'clock. So why isn't it visiting  
23 hours?

24 And she said, You're not allowed to be  
25 here.

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1 I said, Why not?  
 2 And then the next thing I know, security  
 3 came, and they kicked me out or something, and I  
 4 don't remember what happened. They kicked me out.  
 5 They handcuffed me in the parking lot. The police  
 6 came. They forced me to the ground. The police  
 7 came. The police acknowledged and seen me in  
 8 handcuffs.  
 9 They put in the police logs that he seen  
 10 me in handcuffs, and PBX seen me in handcuffs, and  
 11 the police told me, Don't go there again. You come  
 12 back here, we're going to arrest you. We don't want  
 13 you here.  
 14 Q. During that incident, were you agitated?  
 15 A. I was numb.  
 16 Q. Did you yell?  
 17 A. No. I don't remember. I was crying. I  
 18 was hurt. He hurt me. He was jerking my arm out of  
 19 my socket. And my arm -- hands were all bruised  
 20 from the handcuffs.  
 21 Q. Who is "he"?  
 22 A. The security guard.  
 23 Q. Did the officers ever put you in  
 24 handcuffs?  
 25 A. Not on the 17th.

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1 Q. Not on the 17th? Were you ever  
 2 trespassed?  
 3 A. No. Not that I can -- I don't know what  
 4 that means. That means -- they kicked me out. I  
 5 don't know if that means trespass, but I was kicked  
 6 out.  
 7 Q. Did they ever tell you you were being  
 8 trespassed?  
 9 A. They never used that word, "trespassed."  
 10 They said "arrested." You come back here, we're  
 11 going to arrest you. We don't want you here. I  
 12 also -- yeah.  
 13 Q. So they told you if you came back, you  
 14 would be arrested?  
 15 A. Yes. I told him, They are hurting -- my  
 16 dad needs to be with me. And they became sarcastic.  
 17 Well, somebody is hurting your dad. You better call  
 18 the police.  
 19 Q. Prior to the incident on March 21st, any  
 20 other problems at the hospital?  
 21 A. There was. They wouldn't -- they  
 22 threatened to kick me out the day of my father's  
 23 operation.  
 24 Q. What date was that?  
 25 A. I believe his operation, March 10th.

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1 They threatened to kick me out on March 9th.  
 2 Q. Why were they threatening to kick you  
 3 out?  
 4 A. I don't know. They said, You better just  
 5 sit here and not say anything. He is going to get  
 6 the operation. I didn't want him to get it. I  
 7 wanted him to come home because that nurse wouldn't  
 8 know -- the doctor, one of the other doctors, said,  
 9 He doesn't have to get it. He can just go home.  
 10 And I want to take him home, and that doctors wanted  
 11 to operate.  
 12 Q. So you didn't want him to have the  
 13 operation?  
 14 A. No. I wanted him to come home.  
 15 Q. Were you upset that they were operating?  
 16 A. I don't know what I was. I wanted my dad  
 17 to get better.  
 18 Q. Were you yelling at anyone because they  
 19 were operating?  
 20 A. No, absolutely not. I would never -- I  
 21 was as calm as can be because I don't want to upset  
 22 my dad. My dad did not like conflicts. So we were  
 23 all very quiet around my dad, and I didn't want him  
 24 to know that anything was going wrong because he  
 25 would be hurt if he seen the way they were treating

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1 his children. So I just wanted him to think  
 2 everything is okay and he's going to get better and  
 3 come home. I wanted him to heal.  
 4 Q. So we have talked about March 2nd,  
 5 March 7th, March 9th, and March 17th.  
 6 Any other conflicts at the hospital or  
 7 problems with the hospital?  
 8 A. There was another problem. My brother  
 9 was there -- actually, both my brothers. I don't  
 10 recall the date. It was after March 17th. It was  
 11 between the 17th and the 21st. The one nurse would  
 12 not let me be there. Nurse Lizbeth Hamilton, she  
 13 would not let me be with my dad. The other nurses  
 14 would, but she would not let me be there when she  
 15 was his nurse.  
 16 And -- and I think prior to that, my  
 17 brothers -- both my brothers talked to her, talked  
 18 to them and said, You know, she should be -- my  
 19 brothers wanted me there, because they couldn't be  
 20 there all the time. Lewis had to work, he said, and  
 21 Steve had his juice bars, and they wanted me there.  
 22 And they told them at the hospital, Why  
 23 can't she be here? I don't know what the words they  
 24 said. I wasn't there. But they said that they  
 25 called up and they went there in person and they

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1 told them -- they literally -- my mom was there with  
2 them. All three of them literally begged them to  
3 let me in. They don't know why they won't let me  
4 in. That's the story they told me.

5 And that's what they put in their nurses'  
6 notes also, that they were there trying to get me --  
7 allow me to be back there. She wouldn't let me be  
8 there. And when I wasn't there, when she was his  
9 nurse, bad things happened. But when the other ones  
10 were his nurse, he got better. She would yell. She  
11 said, Stop looking at the monitor. She yelled at  
12 all three of us, my mom, my brother Steve. She  
13 yelled at us, Stop looking at the monitor, the  
14 heartbeat monitor. She yelled at the top of her  
15 lungs.

16 Q. Did you ever yell back at her?

17 A. No, never.

18 Q. Were you at the hospital on March 21st,  
19 2008?

20 A. Yes.

21 Q. And on that date, were there any orders  
22 on who could visit your father?

23 A. Yes.

24 Q. What was that?

25 A. Family members only.

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1 about her, but I've never met her before; so I knew  
2 her name. And then -- and I knew what she did for a  
3 living.

4 And they came in, and I didn't want  
5 anybody to see my dad like that, and I don't think  
6 he -- he wouldn't want anybody to see him like that  
7 either. I just felt that they were making a freak  
8 show out of my dad and she shouldn't be there. He  
9 wouldn't want her there. He was incapacitated. He  
10 had a breathing tube down his throat, and she should  
11 not have been there. Nobody should have been there  
12 except his own immediate family members.

13 You know, I even told the nurses. I  
14 said, I don't want anybody in here, you know, only  
15 family members. And she said, Well, we don't --  
16 we're the only hospital in town that has 24-hour  
17 visiting, and we allow anybody in. We don't  
18 restrict our patients, you know, people from coming  
19 in. We're the only hospital in town that does that.  
20 That's what she said. So she wouldn't stop her.  
21 She allowed her in. They let them in.

22 And I told my brother to have her leave,  
23 and I told her to leave, and she wouldn't leave.  
24 And the next thing I know, my brother come running  
25 after me from the other side of the bed, and I ran

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1 Q. Where was that order posted?

2 A. It was posted on his door.

3 Q. And do you have copies of it?

4 A. Of the sign, no, not of the actual sign.

5 Q. Do you have copies of any order to that  
6 effect?

7 A. It's in the doctor's notes, yes.

8 Q. And do you have those?

9 A. Not with me.

10 Q. But you do have them in your possession?

11 A. Yes.

12 Q. And who put that order into place?

13 A. Dr. Rebecca -- I believe it's Dr. Rebecca  
14 Sinai, if I remember correctly. It might have been  
15 a lead nurse, but I think it was a doctor.

16 Q. Did there come a time when somebody who  
17 wasn't family came into the room?

18 A. Yes.

19 Q. And when was that?

20 A. March 21st.

21 Q. And tell me what happened.

22 A. Danielle Pieper along with my brother  
23 Steve Zaic came in. I was sitting at the bed, the  
24 foot of my father's bed. And they both walked into  
25 the room. And I never seen her before. He spoke

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1 from him because he was coming after me, and we've  
2 been in altercations in the past; so I know my  
3 brother, and --

4 MR. POTTER: You need, just for the  
5 record, state which brother so I don't get confused  
6 on brothers, your brother.

7 THE WITNESS: Steve Zaic, and he chased  
8 me to the door and tackled me to the ground. Not  
9 tackled me, but I don't know just how he got me down  
10 there, but he got me down there real fast like  
11 police officers do. And the nurses came in the  
12 room. They pulled him off of me, and I think -- I  
13 don't remember who said it, But the police are on  
14 their way or something. I don't know, and the  
15 next -- I was arrested.

16 BY MR. BENSON:

17 Q. And Danielle Pieper was Steve Zaic's  
18 fiancée; correct?

19 A. That's what he said.

20 Q. Did you have any reason not to believe  
21 him?

22 A. No.

23 Q. You had heard about her before?

24 A. Yes. Through my father.

25 Q. What did your father say about her?

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1 A. Nothing.  
 2 Q. Had he met her before --  
 3 A. They went to eat a few times, all three  
 4 of them, and he didn't say anything.  
 5 Q. So your father had been out to eat with  
 6 her?  
 7 A. The three of them.  
 8 Q. The three of them being your father,  
 9 Steve, and Danielle?  
 10 A. Yes.  
 11 Q. How many times had they gone out to  
 12 dinner?  
 13 A. I don't know. Three that I know of,  
 14 maybe, if even that.  
 15 Q. What else, if anything, did your father  
 16 say about Danielle?  
 17 A. I don't recall. He didn't used to say  
 18 much. His children are happy, then that's good  
 19 enough for him.  
 20 Q. And was Steve happy?  
 21 A. I don't know. I never discussed Danielle  
 22 with him. At that time we were not talking. I know  
 23 she's not his type.  
 24 Q. So when Danielle, who had been out to  
 25 dinner with your father, came into the room, what

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1 Q. What prof -- what kind of profanity did  
 2 you use?  
 3 A. I don't recall.  
 4 Q. Did you ever tell her to, Get the fuck  
 5 out of here, you don't belong here?  
 6 A. I might have. Yes, I think I did.  
 7 Q. So when they walk in the room --  
 8 A. I said that after she wouldn't leave,  
 9 though.  
 10 Q. So when they walk in the room, how far is  
 11 the entrance of the door to where you are sitting on  
 12 the bed?  
 13 A. At the foot of the bed I was sitting. I  
 14 was sitting in the chair at the foot of the bed.  
 15 Approximately 20 feet, maybe.  
 16 Q. And when they walked in, did they always  
 17 stay near the door?  
 18 A. They weren't near the door, no. The door  
 19 was on the other side.  
 20 Q. So they walked to the other side of the  
 21 room?  
 22 A. They walked to my dad's bed, which was on  
 23 the -- near the end of the room.  
 24 Q. So when they walked to your dad's bed,  
 25 were they standing by his bedside?

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1 was the first thing you said?  
 2 A. Who is this?  
 3 Q. When Danielle and Steve walked into your  
 4 father's room, what is the first thing you said to  
 5 them?  
 6 A. I don't remember. I think I said, Who is  
 7 this? Steve, who is this, or who are you? What are  
 8 you -- something to that effect.  
 9 Q. And what did he respond?  
 10 A. This is Danni, my girlfriend.  
 11 Q. And what was your response to that?  
 12 A. I don't remember the exact wording right  
 13 now, but I said, She's not allowed here. Only  
 14 family members are allowed here in dad's room.  
 15 Q. And what was the tone of your voice?  
 16 A. Stern. She's not allowed here.  
 17 Q. Did you use any profanity?  
 18 A. Not at that time, not during that  
 19 conversation, no.  
 20 Q. Did you later use profanity?  
 21 A. Yes.  
 22 Q. When?  
 23 A. After she would not leave.  
 24 Q. What did you say to her?  
 25 A. I think I said, Just get out.

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1 A. Danielle was on one side and Steve was on  
 2 the other.  
 3 Q. So was it Steve or Danielle that walked  
 4 by you to get to the other side of the bed?  
 5 A. Steve.  
 6 Q. So Steve was on the far side of the bed  
 7 from the door?  
 8 A. Inside.  
 9 Q. And Danni was on the side of the bed  
 10 closest to the door?  
 11 A. Yes.  
 12 Q. And what did they -- what did you say at  
 13 that point? Did you ever get up?  
 14 A. Yes. As soon as they walked in the door,  
 15 I stood up.  
 16 Q. Okay. And then you asked them to leave?  
 17 A. Yes. No, I asked Danielle to leave, not  
 18 my brother. Because my dad would want him there  
 19 most definitely. I asked her to leave.  
 20 Q. So you asked Danielle to leave, and they  
 21 refused?  
 22 A. Yes.  
 23 Q. And then they walked to his bedside?  
 24 A. No. They were already there.  
 25 Q. So they kind of walked in right to his

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1 A. I don't recall. But I started leaving.  
 2 I was walking towards the elevator, and they were  
 3 following really close behind me, and they were  
 4 almost brushing up against me. And I turned around,  
 5 and I asked them -- I think I said, Was there  
 6 something wrong, or can I help you? You know what  
 7 you did or something, or something to that effect.  
 8 We're going to have you arrested, or you're going to  
 9 be arrested.

10 And I went in the elevator, and they  
 11 followed me in there, and then I walked out. I  
 12 didn't want to be in there with them alone. And I  
 13 walked into my father's room, and I called 911. I  
 14 can't remember if I called 911 or my brother first.

15 Q. Which brother?

16 A. Lewis.

17 Q. So you decided to leave the room without  
 18 being told to leave?

19 A. I don't recall. I think they said that  
 20 the police were on their way.

21 Q. And --

22 A. I wanted my father to get his rest.

23 Q. And when you walked towards the elevator,  
 24 the security guards followed you?

25 A. I think Julie, a Nurse Julie told me the

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1 police were on their way or something. And she said  
 2 just tell them you want to leave.

3 Q. Okay. And this was before you started  
 4 walking towards the elevator?

5 A. I don't recall.

6 Q. At what point did Julie tell you the  
 7 police were on their way?

8 A. I don't recall.

9 Q. So you are in --

10 A. I think I was crying, and I told Julie,  
 11 They're going to have me arrested because the  
 12 security guard said if I come back here one more  
 13 time, I'm going to be arrested. And the police said  
 14 if I come here again, they're going to arrest me.  
 15 On the 17th the police said, If you come here again,  
 16 we're going to arrest you.

17 Q. Okay.

18 A. So -- and I was crying. She goes, They  
 19 can't arrest you. You didn't do nothing wrong.  
 20 Just tell them you want to leave. You just say can  
 21 I leave, and then they will let you go. So I said  
 22 okay. She goes, I know this. I'm a nurse. I see  
 23 this stuff all the time. You just tell them you  
 24 want to leave when they get here. That's what she  
 25 said to me.

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1 Q. Who is Julie?

2 A. I think that was her name. She was a  
 3 nurse. I don't even -- she was one of the nurses.

4 Q. Was she one of the first nurses that  
 5 walked in before --

6 A. I don't even --

7 Q. -- after the incident?

8 A. I don't recall, no. Jane Thiessen was  
 9 the nurse, my father's nurse that night.

10 Q. Okay. Just so we're clear --

11 A. I think she was the nurse that came in,  
 12 and Julie came in to help me. She wasn't my -- I  
 13 don't think she was my father's nurse. I don't  
 14 know. Jane Thiessen was.

15 Q. Just so we're clear, I want to make sure.  
 16 After the incident where you're on the ground, the  
 17 nurses come in, take your brother off, and then  
 18 everybody leaves in the room and you are in there by  
 19 yourself. And you indicated a nurse walked in, was  
 20 the first person in the room after that incident.

21 What was that nurse's name?

22 A. Jane Thiessen.

23 Q. So that was Jane. And then while you are  
 24 in there with Jane, you see security guards outside  
 25 the door?

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1 A. Yes.

2 Q. And at what point do you decide to leave  
 3 the room?

4 A. I don't recall, but it was within a  
 5 matter of minutes after that.

6 Q. But nobody else had come into the room  
 7 besides Jane?

8 A. I don't recall. Julie came in the room.  
 9 There was -- Julie came into the room, to help me,  
 10 to console me.

11 Q. So Julie came into the room before you  
 12 ever left it after the incident?

13 A. I don't remember if she came in there  
 14 after I went back into the room, after the security  
 15 guards followed me out, or it was before I left the  
 16 room.

17 Q. So the security guards -- so you decide  
 18 to leave the room. The security guards follow you  
 19 to the elevator?

20 A. Yes.

21 Q. Do they touch you?

22 A. Yes.

23 Q. How did they touch you?

24 A. They brushed really close against me.  
 25 And they were walking really close on me.

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1 dad's nurse? There's no nurse here to tend for my  
2 dad, to tell my dad, you know, to tell them to keep  
3 it quiet, that my dad needs his rest also.

4 So then he walked out. And then so right  
5 outside, I see a room. He starts reading me the  
6 trespassing card again.

7 Q. What do you mean "again"?

8 A. I think he said -- he did it in my dad's  
9 ICU room.

10 Q. That same day?

11 A. I think, yeah. I think, if I remember  
12 correctly. So then he starts reading it again. I  
13 don't think he really knew what -- I don't know. He  
14 read it outside again, and then he said come with  
15 me, and then we went downstairs and he read it  
16 again.

17 Q. So for a third time he read it to you?

18 A. Yeah.

19 Q. Were you outside or inside the hospital  
20 the third time?

21 A. Outside, right outside the front door.

22 Q. So from the time Officer Frederick first  
23 showed up until you exited the hospital, did  
24 Officer Frederick ever touch you?

25 A. I don't recall.

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1 Q. After Officer Frederick was speaking with  
2 your brother and Danielle, you indicated he came  
3 over and arrested you and handcuffed you; is that  
4 correct?

5 A. Yes. That other guy, Eager --

6 Q. Yes.

7 A. -- he was never -- I don't know, he never  
8 got so -- as close to me. He never spoke to me. He  
9 never even got really close. He was very distant,  
10 way on the other side. So he doesn't even know what  
11 I looked like, as far as I'm concerned, because he  
12 never was close enough to even see who I am.

13 Q. So Officer Frederick put you in  
14 handcuffs. Describe how he put you in handcuffs?

15 A. He patted me down and put me in  
16 handcuffs. He handcuffed my hands behind my back.  
17 He put me in the back of the police car.

18 Q. But the handcuffing didn't cause any  
19 injuries; correct?

20 A. Well, yeah, it hurt.

21 Q. But you didn't receive any injuries;  
22 correct?

23 A. I received emotional injuries, yes. And  
24 yes, it was bruised.

25 Q. Do you have pictures of the bruises?

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1 Q. So once outside, what discussions do you  
2 have with Officer Frederick?

3 A. Nothing. He just told me to wait here,  
4 and then he went and talked to my brother and  
5 Danielle. I told him, Can I leave? And he says,  
6 No, not until I'm done. You wait here. And then  
7 he -- because Julie told me just tell him I want to  
8 leave. She told me what to say and so I said it. I  
9 said, Can I leave? And he wouldn't let me leave.  
10 He made me sit there on the bench, and he went to  
11 talk to both Danielle and my brother. And then they  
12 came back, and they arrested me.

13 Q. When did Officer Eager show up?

14 A. He put me in handcuffs and he arrested  
15 me. I think he was there. I seen him. He was  
16 there as soon as we walked out the hospital.

17 Q. Did you ever talk to Officer Eager?

18 A. No, never.

19 Q. Did Officer Eager ever touch you?

20 A. No. I never spoke to him. He never  
21 touched me.

22 Q. Officer Frederick, you indicated, after  
23 speaking with your brother and Danielle, came over  
24 to you and arrested you; is that correct?

25 A. Repeat.

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1 A. No.

2 Q. Did you go see a doctor for the bruising?

3 A. No. I didn't have insurance. My father  
4 was the only thing on my mind at that time, not me.  
5 I wouldn't go to a doctor just of a bruise.

6 Q. Did any of the officers hit you?

7 A. They handcuffed me.

8 Q. Did they ever hit you?

9 A. No. Explain "hit."

10 Q. What do you understand "hit" to mean?

11 A. Punch.

12 Q. Did they ever punch you --

13 A. Closed fist.

14 Q. -- with a closed fist?

15 A. No.

16 Q. Did they ever kick you?

17 A. No.

18 Q. Did they ever slap you?

19 A. No.

20 Q. Did they ever pull a weapon out?

21 A. I don't recall.

22 Q. Did they ever Tase you?

23 A. No.

24 Q. Did the officer use any weapons in his  
25 tool belt or any of his tools besides his handcuffs?

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1 A. I don't recall.  
 2 Q. Do you ever -- did you ever voice any  
 3 complaints to the officers?  
 4 A. Yes.  
 5 Q. What complaints?  
 6 A. I told him, My dad is up there in the  
 7 hospital room and he expects me to be there with  
 8 him, and he is going to be very -- he's going to  
 9 wonder why I'm not there. He's going to be sad.  
 10 Q. Any other complaints?  
 11 A. I told the officers that the security  
 12 guards are harassing me. They won't let me be with  
 13 my dad.  
 14 Q. Any other complaints?  
 15 A. Not that I can recall.  
 16 Q. So the only complaints you ever voiced to  
 17 the officers was your dad was upstairs and he needed  
 18 you and you wanted to be there and the security  
 19 guards were harassing you; is that correct?  
 20 A. That I can recall.  
 21 Q. Did you ever complain about the  
 22 handcuffs?  
 23 A. Yes.  
 24 Q. What did you complain about them?  
 25 A. They're too tight and it hurts, and I

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1 think my arm is broke. He pulled it out of the  
 2 socket.  
 3 Q. You complained that your arm was broke?  
 4 A. I said, I think my arm is broke.  
 5 Q. This was on March 21st; correct?  
 6 A. This was on March 17th.  
 7 Q. Okay. We're talking about March -- let's  
 8 go to March 21st.  
 9 The handcuffing on March 21st, did you  
 10 ever voice any complaints about the handcuffing on  
 11 that day?  
 12 A. Yes.  
 13 Q. What did you say?  
 14 A. I think I said, if I can recall, I don't  
 15 know the exact words, but I think I said -- I just  
 16 was annoyed that he kept me in the car for  
 17 45 minutes. I don't think he had to handcuff me  
 18 until after -- until right -- until he was about  
 19 ready to take me to -- you know, drive me there. He  
 20 didn't have to keep me in handcuffs for 45 minutes.  
 21 Q. So on March 21st, are there any other  
 22 complaints besides he kept you in handcuffs too  
 23 long?  
 24 A. They wouldn't let me be with my dad. I  
 25 had a right to be there. I hadn't -- I told them I

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1 have a right to be here. My dad is expecting me to  
 2 be here. He's very sick.  
 3 Q. Now, going back to the March 17th when  
 4 you said you complained they were too tight, the  
 5 handcuffs were too tight, and that you felt your arm  
 6 was broke, that was from handcuffing by security  
 7 guards; correct?  
 8 A. Yes.  
 9 Q. So on the March 21st handcuffing with the  
 10 police, you never complained that they were too  
 11 tight; correct?  
 12 A. I don't recall.  
 13 Q. Have you ever seen your complaint that  
 14 you filed in this action?  
 15 A. Yes.  
 16 Q. Did you review it before it was filed?  
 17 A. I don't recall.  
 18 Q. Have you read it since it was filed?  
 19 A. Yes.  
 20 Q. Do you approve of everything that is in  
 21 it?  
 22 A. Yes.  
 23 Q. Now, what violations of your civil rights  
 24 do you allege LVMPD committed?  
 25 MR. POTTER: Objection; calls for a legal

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1 conclusion.  
 2 Go ahead, if you can answer.  
 3 THE WITNESS: The police officers did not  
 4 have probable cause to arrest me.  
 5 Did you say go ahead?  
 6 MR. POTTER: Yeah. You can go ahead and  
 7 answer his question.  
 8 BY MR. BENSON:  
 9 Q. What do you mean they had no probable  
 10 cause to arrest you?  
 11 A. They didn't talk to me first. They  
 12 wouldn't let -- nothing I said mattered. They  
 13 turned a blind eye to me. They already had -- they  
 14 were convinced that they were going to have --  
 15 whatever Danielle said went. They didn't care why I  
 16 was there.  
 17 They said they don't have any  
 18 jurisdiction over the hospital, and that's it. They  
 19 said if the hospital wants me out, then I'm out.  
 20 That's their private property, and they don't have  
 21 any say over the hospitals. That's what they told  
 22 me.  
 23 Q. Before they put you in the police car and  
 24 took you away from the hospital, you did voice  
 25 complaints about security guards harassing you;

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1 MVH 18 and the middle entry for March 5th, 2008.  
 2 Do you see where I'm at?  
 3 A. Yes.  
 4 Q. It says, Patient's daughter Joyce came  
 5 out of the room and went straight to the charge  
 6 nurse saying that the patient cannot breathe, and  
 7 that I was not answering her questions and yelling  
 8 at her, which was not the case. She came to me and  
 9 accusing me of laughing at her and that I should not  
 10 take care of her dad. Security notified who came to  
 11 ask her to leave the room and instructed her not to  
 12 come back to the patient's room if she's acting like  
 13 this.  
 14 Did I read that correctly?  
 15 A. This is written all out of context. This  
 16 nurse --  
 17 Q. Just for now --  
 18 MR. POTTER: He's just asking you if he  
 19 read it correctly.  
 20 THE WITNESS: You read it correctly but  
 21 in the wrong tone.  
 22 BY MR. TYLER:  
 23 Q. I understand that, but what is actually  
 24 recorded by the nurse is what I just read; correct?  
 25 A. Yes.

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1 A. No. I don't recall. Security didn't say  
 2 that. Security said if you come back, we're having  
 3 you arrested. They didn't say no if's. There were  
 4 no ifs.  
 5 Q. Let me show you Exhibit E.  
 6 (Whereupon, Exhibit E was  
 7 marked for identification.)  
 8 BY MR. TYLER:  
 9 Q. And what I'm showing you is an incident  
 10 report from March 7th, 2008.  
 11 Is that what it purports to be to you?  
 12 A. Yes.  
 13 Q. And we discussed this earlier. You were  
 14 asked about taking a cell phone from your brother.  
 15 Do you recall that question?  
 16 A. Yes.  
 17 Q. Is this report one that was generated as  
 18 a result of that allegation?  
 19 A. I don't know what this is. This is --  
 20 I've never been -- I've never seen this.  
 21 Q. And you've never seen this incident  
 22 report before?  
 23 A. It was never discussed. This is the  
 24 first time I'm discussing it.  
 25 Q. And it looks like Officer Salgado, the

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1 Q. Do you recall this interaction with the  
 2 nurse?  
 3 A. That's not the way it happened, no.  
 4 Q. Could you please describe for me your  
 5 understanding of what actually happened in that  
 6 situation?  
 7 A. My dad could not breathe. I told her my  
 8 dad cannot breathe. And I told her if you're not  
 9 going to -- she said he can, he can breathe, he's  
 10 okay. I said no, he can't, he can't breathe. He's  
 11 gasping for air. You guys do something, you know,  
 12 and she wouldn't do anything. I said if you're not  
 13 going to care for my dad, then get another nurse  
 14 that will. I want somebody to take care of him.  
 15 She laughed at me, and that's what happened.  
 16 Q. And did security actually come to the  
 17 room?  
 18 A. I don't recall. I don't think they did  
 19 that day.  
 20 Q. Do you recall security asking you to  
 21 leave that day?  
 22 A. I don't recall that day.  
 23 Q. Do you recall anyone from security  
 24 instructing you not to come back if you are going to  
 25 behave like that?

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1 best I can make out.  
 2 Did Officer Salgado ever speak to you  
 3 about this?  
 4 A. There was a secure -- a police officer  
 5 came into -- I don't know who his name was.  
 6 Q. And I'm just looking at reporting  
 7 officer --  
 8 A. There was an officer. I don't know his  
 9 name.  
 10 Q. What did he tell you had been alleged  
 11 against you?  
 12 A. He just asked if we -- I don't recall.  
 13 He questioned me if I had seen my brother's phone or  
 14 something.  
 15 Q. And you've never seen the statements that  
 16 were given by your brother and the nurse that are  
 17 attached to this exhibit?  
 18 A. Other than what you guys posted on the --  
 19 your complaint -- your answer to the complaint.  
 20 Q. So if this was produced in discovery, you  
 21 read it in that case? Is that what you're trying to  
 22 tell me?  
 23 A. Yes.  
 24 Q. Okay.  
 25 A. I think.

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1 Q. So you think you have reviewed it since  
2 this lawsuit has been instituted?

3 A. I think I've seen it, yes.

4 Q. Do you recall what allegations your  
5 brother made in his statement? Otherwise, I will  
6 just ask you to read through it quickly, if you can.

7 A. No, I don't recall.

8 Q. If you can, will you please read through  
9 his statement?

10 A. Okay.

11 Q. I will try to paraphrase a little to save  
12 us some time, but basically your brother's statement  
13 said that he sat down the phone at some point in  
14 your father's room and it went missing, and that  
15 then he called it, and you answered the cell phone.

16 Do you recall that ever occurring?

17 A. No. That's not what he said. He said he  
18 took it out of -- no, it never happened.

19 Q. Your brother's cell phone never went  
20 missing, and he called it and you answered?

21 A. I never answered.

22 Q. Did you ever tell your brother that you  
23 were going to destroy his phone because he was  
24 trying to get a power of attorney?

25 A. I don't recall.

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1 conclusion.

2 BY MR. TYLER:

3 Q. Was there ever any follow-up on this  
4 incident report on the allegations of larceny, as  
5 far as you know?

6 A. Not that I'm aware of.

7 Q. I'm going to have you look back at  
8 Exhibit D. On Bates stamp page 21, and the first  
9 entry there is from March 9th, 2008, and by  
10 Shelley Guarnera.

11 Do you see where I'm at?

12 A. Yes.

13 Q. It says, Received patient in bed, vitals  
14 as per flow sheet. Patient remains stable.  
15 Daughter in room and refusing to leave. Instructed  
16 patient's daughter that we have a history with her  
17 and that she will be asked to leave the hospital if  
18 she does not follow instructions from hospital  
19 staff. Supervisor and charge nurse aware of  
20 situation.

21 Did I read that correctly?

22 A. Yes.

23 Q. Is that -- do you have a recollection of  
24 that incident on March 9th, 2008?

25 A. Yes.

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1 Q. Is there any point where you ever took  
2 your brother's cell phone?

3 A. No.

4 Q. Did you ever tell the nurse that you  
5 don't have a cell phone?

6 A. No.

7 Q. Do you normally carry a cell phone?

8 A. I don't own a cell phone. I've never  
9 owned a cell phone.

10 Q. Would you disagree with the nurse's  
11 statement that she saw you with a cell phone that  
12 matched the description of your brother's?

13 A. Yes.

14 Q. And at no point did you ever have your  
15 brother's cell phone or keep your brother's cell  
16 phone from his use?

17 A. No.

18 Q. Do you have any idea why your brother  
19 made the allegation that you did have his cell  
20 phone?

21 A. No.

22 Q. Do you believe that this is a false  
23 statement by your brother?

24 A. I don't know.

25 MR. POTTER: Objection; calls for a legal

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1 Q. And what is your recollection?

2 A. I walked in, said hello to see my father.  
3 I said hello to the nurse. She immediately told me  
4 to sit down. She told me you better not say  
5 nothing. He's getting the operation, and we have a  
6 history of you, and if you say anything, we're going  
7 to have you kicked out and arrested. That's the  
8 first time I've ever seen that nurse. She was  
9 saying that right in front of my dad.

10 Q. And when she says, "refusing to leave,"  
11 did she ask you to leave at any point?

12 A. No.

13 Q. When she says, We have history with her,  
14 do you have any idea what she was referring to as  
15 far as the history?

16 A. No. My dad was going to get the  
17 operation. She didn't want me there.

18 Q. And did she actually ask you to leave on  
19 that night in question?

20 A. I don't recall. She threatened me, to  
21 kick me out.

22 Q. And this is the first encounter you'd had  
23 with that nurse before?

24 A. Yes. That's the first time I had seen  
25 her.

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1 Q. On March 11th, 2008, you reference in  
2 your discovery responses that you had interaction  
3 with Helen Vos, and afterwards you were assaulted  
4 and forced to leave the hospital.  
5 Do you recall that?  
6 A. Vaguely.  
7 Q. Could you describe for me what that  
8 interaction was with Ms. Vos and the subsequent  
9 interaction with security?  
10 A. What was the date?  
11 Q. March 11th, 2008.  
12 A. The security guards kept harassing me  
13 throughout; so I will try to remember. They kicked  
14 me out. They wouldn't let me in. They wouldn't let  
15 me be with my dad. The nurses wouldn't let me be  
16 there.  
17 I wanted to speak to the lead nurse, and  
18 then I spoke to Helen Vos. She said that she runs  
19 the whole hospital. She is in charge of the whole  
20 hospital and nobody is above her, and she's the one  
21 to speak to. She basically runs the whole hospital.  
22 So I asked her -- I told her my dad is  
23 very sick, and why can't I be with him. And she  
24 said hold on, and she made a phone call, and she  
25 called security and had security kick me out then.

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1 Q. And what is your understanding of what  
2 Helen Vos's thought process was on kicking you out  
3 of the hospital? Did she tell you --  
4 A. She didn't tell me --  
5 Q. -- why she was upset with you or asking  
6 to leave?  
7 A. She didn't tell me. She was just going  
8 by what they told -- they told her on the phone.  
9 Q. During this conversation with Helen Vos,  
10 were you using an elevated voice or profanity or was  
11 it -- could you describe the conversation, the tone  
12 of it?  
13 A. No. There was a meeting across the way,  
14 and they were -- no. They were in another meeting.  
15 I don't know who they were. I just remember that  
16 there were other people in there.  
17 Q. Other people in the meeting?  
18 A. No. In that office there.  
19 Q. So as far as you know, there was no  
20 reason whatsoever why Helen Vos or security became  
21 involved in that situation?  
22 A. Other than I -- Helen Vos, I requested  
23 that she be involved because I wanted to be with my  
24 dad.  
25 Q. But you have no idea why she would have

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1 contacted security?  
2 A. No. I was asking her for help, and she  
3 didn't help. Instead she contacted security and had  
4 me kicked out. And my mom kept calling to try to  
5 request let me back in. She wanted to know why  
6 also.  
7 Q. Okay. I want to turn your attention to  
8 Exhibit C again. That's the security guard log.  
9 And go to the second page of that. It's  
10 Bates stamped MVH 31. And that entry is dated  
11 03/12/08.  
12 Do you see where I'm looking at the top  
13 of the page?  
14 A. Yes.  
15 Q. It says, Dr. Strong in ICU No. 3, visitor  
16 Joyce Zaic causing disturbance, asked to leave.  
17 Call to administration. Joyce Zaic talking with  
18 Helen Vos. Standing by. Escorted Joyce Zaic out of  
19 building.  
20 Did I read that correctly?  
21 A. Yes.  
22 Q. And do you recall that incident in  
23 question?  
24 A. That he summarized it.  
25 Q. And when they say Joyce causing

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1 disturbance, what type of disturbance would they be  
2 describing?  
3 A. There was no disturbance. I have no  
4 idea.  
5 Q. And you didn't have any interaction with  
6 any MountainView staff or any kind of words with  
7 anyone that was an employee?  
8 A. No.  
9 Q. And do you have any idea who asked you to  
10 leave or why?  
11 A. No.  
12 Q. And you don't --  
13 A. No. I don't know.  
14 Q. And you don't remember interacting with  
15 any of the nursing staff or anyone else?  
16 A. No. I might have -- if I remember  
17 something vaguely, I think I asked them for a status  
18 update on my dad, and they wouldn't give me one.  
19 Q. And then how did it progress --  
20 A. And then they kicked me out.  
21 Q. How did it progress from you asking for a  
22 status update to getting kicked out?  
23 A. I don't know. They wouldn't let me be  
24 with my dad. I have no idea.  
25 Q. No other interaction between you and the

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1 scheduled for you?

2 A. They might have -- not as far as I'm  
3 aware. There might not have been one. They  
4 might -- I didn't know of any. If they set one  
5 between themselves, nobody let me know about it.

6 Q. Let me go ahead and have you go to the  
7 next page. And this is an entry from March 15th,  
8 2008. It says, Received call -- I'm at 10:25. It  
9 says, Received call from PBX that above visitor  
10 showed up to visit. I told her she would have to  
11 leave that hospital, that visiting times for her  
12 were 10:00 to 10:05 and 1400 to 1405. She started  
13 hollering and swearing at me at the time of  
14 extraction. Report to follow.

15 Do you recall that incident at all?

16 A. Who was this?

17 Q. This would have been entered by the  
18 security guard.

19 A. This is the security guard writing this?

20 Q. Yeah.

21 A. No. I didn't have that conversation with  
22 the security guard.

23 Q. Did you have any interaction with the  
24 security guard at all on March 15th, 2008?

25 A. No. I don't recall.

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1 Q. Do you know if you were asked to leave  
2 the hospital on March 15th, 2008?

3 A. I was asked to leave the hospital several  
4 times. I don't recall the dates. I recall some of  
5 the dates but not all of them.

6 Q. Do you know if you were, quote, hollering  
7 and swearing at anyone on that date?

8 A. It was March 17th. No, I was not  
9 hollering and swearing.

10 Q. As far as you know, there was no  
11 altercations at all on March 15th?

12 A. No.

13 MR. POTTER: She said 17th. I think  
14 you're saying 15th.

15 He's talking 17th -- or 15th.

16 THE WITNESS: No, nothing on the 15th.  
17 BY MR. TYLER:

18 Q. I'm going to have you look at Exhibit D,  
19 and that's the nurse charting. I'm on Bates stamp  
20 MVH 24. And at the -- the top entry is also dated  
21 March 15th, 2008.

22 Do you see where I'm at?

23 A. Yes.

24 Q. It says, Received report, assessment  
25 done. Sedated, on vent. Continue with Primacor and

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1 Levophed infusions. 10:25, daughter Joyce in, not  
2 during established visiting times. Security  
3 notified. Before security arrived in ICU, she was  
4 very agitated, yelling at desk, demanding that Metro  
5 be called, calling nurse a liar about the visitation  
6 rules, escorted out of ICU, yelling at security out  
7 into the hall. Heard by other visitors who came out  
8 to stand in doorways.

9 Did I read that correctly?

10 A. Yes.

11 Q. Again, this is the same date and time as  
12 the security guard entry we just looked at.

13 Does this refresh your recollection at  
14 all whether anything occurred on the 15th?

15 A. Yes. But I thought it was the 16th.

16 Q. And what did this trigger in your memory  
17 as to the occurrence on the 15th?

18 A. I came, and I went to visit my dad, and  
19 this nurse said you're not allowed here. You're  
20 only allowed here certain times or whatever. And I  
21 didn't know what she was talking about. She  
22 wouldn't let me be with my dad, and then they -- I  
23 think they called security or I went to Helen Vos, I  
24 don't remember. Something happened, and the next  
25 thing I know, security had me in handcuffs out in

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1 the parking lot. And the police --

2 Q. And I don't mean to interrupt you, but I  
3 think you may be confusing the 15th and 17th again.

4 A. Okay.

5 Q. As far as I know, you were never  
6 handcuffed the 15th, but if that's different, please  
7 let me know.

8 A. Okay, I'm confused. Maybe I'm confusing  
9 them again. So this must -- the Helen Vos thing is  
10 another one. There were so many of them. She said  
11 I'm not allowed here. I didn't know what she was  
12 talking about, and she wouldn't let me be with my  
13 dad.

14 Q. At this point had several people told you  
15 that you are not allowed because of -- your  
16 visitation is limited at this stage?

17 A. I think that's -- they kept saying that,  
18 and I don't know what they're talking about because  
19 it wasn't limited. Nobody never told me it was  
20 limited.

21 Q. When these nurses kept telling you that  
22 you had limited visitation, did you ever follow up  
23 on that if you didn't know what they were referring  
24 to?

25 A. I tried to speak to Helen Vos about it,

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1 Q. Did you ever make any kind of threats  
2 during these phone calls?  
3 A. No.  
4 Q. They say, Making harassing phone calls to  
5 administration.  
6 Did you place any calls to  
7 administration?  
8 A. Helen Vos is administration. I tried to  
9 get ahold of her to ask why. I wanted an answer  
10 why.  
11 Q. Anybody else in administration you were  
12 calling?  
13 A. No.  
14 Q. At this point, were you still using the  
15 alias?  
16 A. No.  
17 Q. And this is an entry by the security  
18 guard. It says, Verbally abusive towards me on  
19 phone.  
20 Do you remember talking to the security  
21 guard?  
22 A. When I called in to -- when I called the  
23 nurse, she transferred me to security. Not the  
24 nurse, but I called the -- the operator would pick  
25 up and transfer me to security instead of

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1 transferring me to ICU.  
2 Q. But do you remember your conversation  
3 with security, though?  
4 A. No.  
5 Q. Do you remember being verbally abusive at  
6 all during any of these calls?  
7 A. No. No abusive verbally, no.  
8 Q. Any raised voice or use of profanity?  
9 A. No.  
10 Q. Did you eventually visit the property  
11 later that day?  
12 A. What day is this? The 17th?  
13 Q. The 17th.  
14 A. This is around the same time. I  
15 believe -- yeah, I think so. I don't recall. I  
16 don't know exactly what happened. I think they let  
17 me in.  
18 Q. Do you remember being asked to leave at a  
19 certain point during your visitation?  
20 A. Yes.  
21 Q. And why -- what is your understanding of  
22 why you were asked to leave?  
23 A. I don't know.  
24 Q. Did you have any kind of --  
25 A. They wouldn't tell me.

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1 Q. I'm sorry, go ahead.  
2 A. They wouldn't tell me.  
3 Q. Did you have any interactions with  
4 anyone, any altercations, any verbal disputes?  
5 A. No. They said because I'm not supposed  
6 to be there. I think that's what they said why  
7 they're kicking me out. I'm only allowed there five  
8 minutes or something. 10:00 and 2:00 or something,  
9 like what it says.  
10 Q. Who was it that told you this? The nurse  
11 or security?  
12 A. I don't recall.  
13 Q. When you were asked to leave the  
14 hospital, did you go under your own volition, or how  
15 did that transpire?  
16 A. Security -- security forced me out.  
17 Security came into Helen Vos' office --  
18 Q. So security came into your dad's room?  
19 Or were you somewhere else on the property?  
20 A. I think I was in Helen Vos' office again.  
21 I don't recall.  
22 Q. Okay. So they came to Helen Vos' office,  
23 and then did they ask you to leave and you left, or  
24 what happened after that?  
25 A. They took orders from Helen Vos, and they

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1 told -- I don't recall. Security, they had me in  
2 handcuffs, so --  
3 Q. So they go to Helen Vos' office. Were  
4 you handcuffed right away? Were you walked out of  
5 the hospital? Did you leave on your own? How did  
6 you end up getting to that point?  
7 A. I don't recall.  
8 Q. Somebody did handcuff you?  
9 A. I think they followed me out to -- they  
10 followed me out. Security followed me out.  
11 Q. They followed you out of the front of the  
12 hospital?  
13 A. From the 17th -- yes.  
14 Q. And then what happened from there once  
15 you got outside of the hospital?  
16 A. I -- they kept following me. I didn't  
17 want them to know what kind of car I drove.  
18 Q. So security followed you to the parking  
19 lot?  
20 A. Yes. They're following me out to the  
21 parking lot --  
22 Q. At this point there had not been any  
23 physical contact with them or altercations?  
24 A. I don't remember. I don't recall.  
25 Q. So you're in the parking lot. What

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1 pulls you back into the parking lot -- first of all,  
2 describe for me how he pulled you back from Tenaya  
3 into the parking lot.

4 A. He handcuffed me in the middle of Tenaya.

5 Q. Behind your back?

6 A. Yes.

7 Q. Do you know if he double locked you?

8 A. I don't know what that means.

9 Q. He used regular handcuffs like you've  
10 seen before, the metal handcuffs, or did he have zip  
11 ties, or do you know?

12 A. They were handcuffs.

13 Q. Okay. He handcuffed you behind your back  
14 and took you back into the parking lot, and then  
15 what happened?

16 A. Yes.

17 Q. What happened after that?

18 A. He pulled me by my arm in the parking  
19 lot, and he forced me to sit down, and then the  
20 police arrived or Chris Simms was there, and, you  
21 know, he kept pulling my arm up so it was like  
22 jerking, and I told Chris Simms, you know, Look,  
23 he's doing this. Make him stop. You know --

24 Q. This being Maurice?

25 A. Yes. I go, Make him stop. I said,

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1 them up, trying to hurt me, like pulling it up.

2 Q. Did he give you any reason why he was  
3 doing that?

4 A. No. He didn't talk. The guy didn't  
5 talk. He was doing that because he wanted to hurt  
6 me.

7 Q. And when Metro arrived, did you tell them  
8 that that had occurred?

9 A. Yes.

10 Q. And what did Metro say?

11 A. I said I think my arm is broken. He kept  
12 pulling on it. He didn't say anything. He yelled  
13 at me. He said if your arm was broken, you would  
14 know it.

15 Q. This is the Metro officer?

16 A. Yes.

17 Q. Describe for me, if you can, the  
18 interaction the Metro officer had in chronological  
19 order, if he talked to you first or security first  
20 and what you remember him saying.

21 A. He talked to security. He didn't talk to  
22 anybody. He just said -- I don't remember him -- I  
23 don't recall him talking to anybody. I think he  
24 just -- he said, Last time I came, you left. He was  
25 yelling at me, You left the scene last time I was

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1 You're his boss. Make him stop. You know, I  
2 thought he would do the right thing, and he didn't.

3 Q. And this is while you are sitting on the  
4 ground waiting for Metro, he is pulling on your arm?

5 A. I think so. He did it when I was  
6 standing up and when I was sitting down.

7 Q. And were you sitting on a curb, or what  
8 were you sitting on?

9 A. No. There was cement, and then there was  
10 grass, and then there was both.

11 Q. But were you physically sitting on the  
12 asphalt or sitting on a curb or the grass or --

13 A. I remember asphalt, and then I also  
14 remember grass; so I remember both.

15 Q. And did you suffer any kind of injury  
16 because of the handcuff?

17 A. There was bruises.

18 Q. Did you take any pictures of that?

19 A. No.

20 Q. Did you seek any medical treatment for  
21 that?

22 A. No.

23 Q. And what about with Maurice pulling on  
24 your arm?

25 A. He was pulling on my arm. He was pulling

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1 called here.

2 And then I think he told them to take the  
3 handcuffs off me, I think. And -- and then he  
4 said -- he said -- I think -- he said he is going to  
5 have me arrested. And then he checked, I think the  
6 security guard -- the security guard said, We want  
7 her arrested. And he called the police on the  
8 phone, whatever, his car, and then he came back and  
9 he said, You're lucky I'm not arresting you.

10 I said, I'm supposed to be here. I'm  
11 allowed to be here, you know. You can call my  
12 brothers. They will tell you I'm allowed to be  
13 here. And my dad is up there in the hospital room,  
14 and he's sick, and I just want to be here with him.

15 And he said -- him -- and he said no. He  
16 goes, I don't have any jurisdiction over this  
17 hospital. If they want you kicked out, you have to  
18 be kicked out. I'm not even allowed in this  
19 hospital unless they say I'm allowed here. He goes,  
20 And I'm the police.

21 So -- and he threatened me, said he was  
22 going to have me arrested, and then I gave him my  
23 brothers' phone numbers. I said to call my  
24 brothers. They're police officers. They will tell  
25 you I'm allowed to be here. I thought my brothers

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1 would help me in the situation when I'm going to be  
2 arrested.

3 And he said he tried to call one and he  
4 couldn't get ahold of one, and the other one he got  
5 ahold of, he said. And my brother told him -- I  
6 don't know what he said. I don't know the  
7 conversation between those two.

8 He came back and he said, You're lucky  
9 I'm not arresting you. There's no -- there's no  
10 proof of your prior trespassing.

11 Q. When he said that I had been here before  
12 and I missed you, do you know what he was  
13 referencing, the Metro officer?

14 A. No.

15 Q. Do you have any idea of Metro being  
16 called to come arrest you?

17 A. Maybe one of the previous times when  
18 security kicked me out, they might have called. I  
19 don't know.

20 Q. Any other interaction with the officer at  
21 that point?

22 A. He said if you come back here,  
23 we're going to arrest you. And I got in my car and  
24 left.

25 Q. And at that point they let you go?

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1 (Whereupon, Exhibit H was  
2 marked for identification.)

3 BY MR. TYLER:

4 Q. This is Bates stamped MVH 35 and MVH 36.

5 MR. POTTER: Right there at the bottom.

6 BY MR. TYLER:

7 Q. Have you seen this document before?

8 A. No.

9 Q. Are you familiar with trespass cards?

10 A. No.

11 Q. Have you ever seen one before?

12 A. No.

13 Q. This trespass card on MVH 35 lists your  
14 name and date of trespass as 03/17/08 and a time of  
15 1520.

16 Did you ever receive this card on that  
17 time -- at that date and time?

18 A. I don't recall.

19 Q. Is it possible that the officer would  
20 have gave you this card at that date and time?

21 MR. POTTER: Objection; calls for  
22 speculation.

23 THE WITNESS: I don't recall.

24 BY MR. TYLER:

25 Q. Do you remember anyone discussing a

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1 A. That's what I can recall. There might  
2 have been more. I just don't recall at this time.

3 Q. Let me show you F, which you already  
4 marked.

5 (Whereupon, Exhibit F was  
6 marked for identification.)

7 BY MR. TYLER:

8 Q. This is the actual risk report created by  
9 Chris Simms, and at the bottom it says, On Monday,  
10 March 17th, 2008, at 1450 hours, I, Chris Simms, was  
11 contacted via telephone that visitor Joyce Zaic was  
12 causing a disturbance inside the unit, yelling and  
13 screaming at the nursing staff. I advised Security  
14 Officer Maurice Daveu to respond to the location.  
15 On my arrival nursing staff told me that Maurice had  
16 already walked Zaic out of the unit and was heading  
17 towards the elevator.

18 Is this your understanding this is the  
19 same incident that we have just been discussing?

20 A. Yes.

21 Q. And it lists that that occurred  
22 approximately 1450 hours.

23 Do you have any reason to dispute that?

24 A. No. That's approximate.

25 Q. Okay. Let me show you Exhibit H.

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1 trespass card during the time of your incident on  
2 March 17th?

3 A. I don't know.

4 Q. As you sit here today, do you know if you  
5 were ever given a trespass card on March 17th, 2008?

6 A. I don't recall. I don't think I was  
7 given a trespass card.

8 Q. I want you to look again at Exhibit G,  
9 and this is another entry by Chris Simms. I'm on  
10 Bates stamp 34, the second page of G.

11 It says, FYI, Joyce Zaic, the visitor  
12 that has been causing us so many problems, has been  
13 formally trespassed from the property by Metro  
14 Police. Zaic is no longer allowed in the hospital.  
15 In the desk drawer on the right-hand side is the  
16 original trespass card. If Zaic happens to show up,  
17 do not confront her and call Metro and give the  
18 event number on the card to the dispatcher. If you  
19 have any questions, contact me.

20 Did -- was this trespass card ever  
21 discussed with you?

22 A. No. He has the original.

23 Q. You were never provided a copy or told  
24 that you were being trespassed from the property?

25 A. No. I was told -- no. I was told, Don't

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1 come back; otherwise, I'm going to arrest you. No.  
2 He said he has the original.

3 Q. I want you to look now at Exhibit D. I'm  
4 on Bates stamp 25.

5 At the bottom of the page, the last three  
6 sentences, it says, Patient family now asking that  
7 patient daughter be allowed to visit although last  
8 week they were against it. Explain behavioral  
9 limitations that would be expected and reasons why  
10 restrictions must remain in place due to hospital  
11 liability.

12 Do you see what I'm reading?

13 A. No. Where at?

14 Q. The bottom of page 25.

15 A. Right, okay.

16 Okay. So what was the question?

17 Q. Did I read that correctly?

18 A. Yes.

19 Q. Do you recall ever being told that your  
20 family had asked that you not be allowed to have  
21 visitation?

22 A. Rephrase that, please.

23 Q. Did you ever learn that your family had  
24 asked that you not be allowed to have visitation?

25 A. No. They never asked that.

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1 trespassing.

2 Q. And that battery would have been an  
3 allegation made by Danielle, not by MountainView?  
4 Is that what I'm understanding you are saying?

5 A. Rephrase that, please.

6 Q. The battery allegation would have been  
7 one forwarded by Danielle, not by MountainView  
8 staff?

9 A. Right.

10 Q. Do you recall -- you said -- you  
11 testified earlier that Jane Thiessen was the primary  
12 nurse for your dad that night? Remember that?

13 A. Yes.

14 Q. Do you recall Jane being present in the  
15 room during your altercation with your brother and  
16 Danielle?

17 A. Yes. There was several nurses there.

18 Q. There are other nurses actually in the  
19 room when the incident occurred?

20 A. No, nothing happened. No, she was not --  
21 can you rephrase that, please?

22 Q. Do you recall Jane Thiessen being present  
23 in the room at the time that your brother and  
24 Danielle arrived?

25 A. No, she was not.

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1 Q. Do you maintain that this statement is  
2 not accurate?

3 A. It's not accurate. I don't know. No,  
4 this didn't happen.

5 Q. And the reference to restrictions must  
6 remain in place on visitation, do you have any idea  
7 what that is referring to?

8 A. No. This is a nurse.

9 Q. I want to look again at the security log  
10 on Bates stamp 32, which is Exhibit C.

11 It says, Visitor Joyce Zaic arrested for  
12 trespassing. Event No. 28-10.

13 Do you see that?

14 A. No.

15 Q. Bates stamps 32 at the bottom.

16 A. Yes, I see.

17 Q. Is this the incident that we discussed  
18 earlier with your brother and Danielle Pieper?

19 A. Yes.

20 Q. Do you recall --

21 A. No. This is not. I wasn't arrested for  
22 trespassing. So no, I don't know what this is.

23 Q. What is your understanding of why you  
24 were arrested then?

25 A. I was arrested for a battery, not

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1 Q. If she testified that she was present,  
2 would you consider that an inaccurate statement?

3 A. Yes.

4 Q. If Jane Thiessen testified that your  
5 brother and Danielle stayed on the other side of the  
6 bed and that you went over to your brother, would  
7 that be an inaccurate statement?

8 A. Inaccurate statement, yes.

9 Q. If she testifies that you went up to your  
10 brother and said, "Hit me, hit me," and were trying  
11 to goad him, would that be an inaccurate statement?

12 A. That is inaccurate. That is false.

13 Q. Once your brother tackled you and took  
14 you to the ground, at what point did you have  
15 interaction with security again?

16 A. When they followed me -- were following  
17 me through the hospital and into the elevator.

18 Q. And at this point they didn't actually  
19 have ahold of you or have you handcuffed; is that  
20 correct?

21 A. Correct.

22 Q. They were just following closely behind  
23 you?

24 A. Yes.

25 Q. Did they actually use any physical force

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1 officer and what you referred to as a supervising  
2 police officer.  
3 Do you remember that?  
4 A. Yes.  
5 Q. So the responding police officer, did he  
6 testify at your criminal trial?  
7 A. There were two responding police  
8 officers, Frederick and Eager. One of them  
9 testified and the other one didn't. One of them  
10 didn't show up, and the other one did.  
11 Q. Did you -- did you subpoena anyone to  
12 your criminal trial to come in and testify?  
13 A. My attorney was handling that. I  
14 personally did not.  
15 Q. Do you know one way or the other if that  
16 occurred?  
17 A. I don't know.  
18 Q. Ma'am, at the time that all this took  
19 place on the 21st of March, is it fair to say you  
20 were not getting along with either of your brothers?  
21 A. We were under extreme pressure. We were  
22 trying to get along because of -- my father was in  
23 the hospital.  
24 Q. And it appears now you, at least it  
25 seems, made some amends with your brother Steve?

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1 A. Yes.  
2 Q. And when did that occur?  
3 A. Over on and off for years. It's been  
4 going -- we're on and off for years.  
5 Q. Since the events?  
6 A. Since before my father, we've been like  
7 that.  
8 Q. Following March --  
9 A. I would say --  
10 Q. -- 21st, 2008, when do you believe that  
11 you made first amends with your brother?  
12 A. I would say -- we went to Thanksgiving.  
13 We went -- it was either Thanksgiving or Christmas  
14 dinner.  
15 Q. That year?  
16 A. I don't recall.  
17 Q. Is your brother still engaged to  
18 Danielle Pieper?  
19 A. He says he's not, no.  
20 Q. What did you first learn that?  
21 A. Shortly after.  
22 Q. Shortly after what, ma'am?  
23 A. I don't know. I don't know. I just  
24 learned it after my father passed.  
25 Q. Did you learn it after the funeral took

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1 place?  
2 A. After the -- yes.  
3 Q. Now, there has been some questions  
4 regarding your brother and a few things that haven't  
5 been addressed, and I'm going to -- I'm going to  
6 mark the next exhibit as I, and it's an incident  
7 report from March 11th, 2008.  
8 Let me pass it down. I apologize,  
9 Counsel, I only have two copies.  
10 (Whereupon, Exhibit I was  
11 marked for identification.)  
12 BY MR. GATES:  
13 Q. Let me have you take a look at that --  
14 MR. POTTER: Are we supposed to pass this  
15 on?  
16 MR. GATES: No.  
17 MR. POTTER: It's all on -- it's one  
18 exhibit?  
19 MR. GATES: Yes.  
20 MR. POTTER: Go ahead.  
21 THE WITNESS: What was the question?  
22 BY MR. GATES:  
23 Q. Go ahead and look at it and tell me if  
24 you have ever seen that before?  
25 A. I have never seen this, no.

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1 Q. Ma'am, let me have you turn to page 3 of  
2 the incident report. There is a typed paragraph.  
3 Did you call your brother Steve on  
4 March 11th, 2008, and tell him that you were  
5 breaking up his property and shattering his windows?  
6 A. No.  
7 Q. Did the police ever come and discuss this  
8 with you?  
9 A. No.  
10 Q. Ma'am, while your father was in the  
11 hospital, did you ever take a key to Steve's house?  
12 A. No.  
13 Q. Let me have you look at the last page of  
14 the exhibit, and it's the written statement by your  
15 brother Steve.  
16 Have you ever seen this statement before?  
17 A. No.  
18 Q. Ma'am, on March 11th, 2008, did you know  
19 that Ms. Pieper was living with your brother?  
20 A. He said she was.  
21 Q. When did he tell you that?  
22 A. I don't think he ever told me. My dad  
23 told me. I don't know. We knew that when she first  
24 moved in.  
25 MR. GATES: Let me mark this next in

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<p>1 live at 8625 Highland with you?</p> <p>2 A. Steve Zaic.</p> <p>3 MR. POTTER: That was his father.</p> <p>4 BY MR. BENSON:</p> <p>5 Q. Oh, excuse me, Steve Frank Zaic, does he</p> <p>6 still live at 8625 Highland View?</p> <p>7 A. Yes, he does.</p> <p>8 Q. And do you know where Lewis lives?</p> <p>9 A. No.</p> <p>10 MR. BENSON: No other questions.</p> <p>11 FURTHER EXAMINATION</p> <p>12 BY MR. GATES:</p> <p>13 Q. One more, ma'am. The application for</p> <p>14 restraining order against Steve that you filed on</p> <p>15 the 15th of April, on the second page, it says you</p> <p>16 were employed at Athletic Juice Bar inside 24-Hour</p> <p>17 Fitness.</p> <p>18 Did you work there?</p> <p>19 A. I never worked there. That's my --</p> <p>20 MR. POTTER: That's where Steve works.</p> <p>21 THE WITNESS: You're reading that wrong.</p> <p>22 BY MR. GATES:</p> <p>23 Q. Well, I can't tell because the pages are</p> <p>24 out of order.</p> <p>25 A. That's his --</p> <p style="text-align: right;">Page 222</p>	<p>1 CERTIFICATE OF DEPONENT</p> <p>2</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 *****</p> <p>16 DECLARATION OF DEPONENT</p> <p>17 I, JOYCE ZAIC, deponent herein, do hereby</p> <p>18 certify and declare the within and foregoing</p> <p>19 transcription to be my videotaped deposition in said</p> <p>20 action; that I have read, corrected, and do hereby</p> <p>21 affix my signature to said deposition this _____</p> <p>22 day of _____, 2011.</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 224</p>
<p>1 Q. Were you --</p> <p>2 A. That's his --</p> <p>3 Q. Were you employed when you filed that?</p> <p>4 A. What was the date?</p> <p>5 Q. The 15th of April, 2008.</p> <p>6 A. I believe I was. I think I was still</p> <p>7 employed.</p> <p>8 Q. But you're saying that your brother Steve</p> <p>9 worked at the juice bar?</p> <p>10 A. Yes.</p> <p>11 MR. GATES: That's all I have, ma'am.</p> <p>12 Thank you.</p> <p>13 (Thereupon the taking of the videotaped</p> <p>14 deposition concluded at 4:40 p.m.)</p> <p>15 * * * * *</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 223</p>	<p>1 REPORTER'S DECLARATION</p> <p>2 STATE OF NEVADA )</p> <p>3 ) ss.</p> <p>4 COUNTY OF CLARK )</p> <p>5 I, CAMEO L. KAYSER, CCR No. 569,</p> <p>6 declare as follows:</p> <p>7</p> <p>8 That I reported the taking of the</p> <p>9 videotaped deposition of the witness, JOYCE ZAIC,</p> <p>10 commencing on Wednesday, May 25, 2011, at 11:10 a.m.</p> <p>11</p> <p>12 That prior to being examined, the</p> <p>13 witness was by me duly sworn to testify to the</p> <p>14 truth, the whole truth, and nothing but the truth;</p> <p>15 that, before the proceedings' completion, the</p> <p>16 reading and signing of the deposition has been</p> <p>17 requested by the deponent or a party.</p> <p>18 That I thereafter transcribed my said</p> <p>19 shorthand notes into typewriting and that the</p> <p>20 typewritten transcript of said videotaped deposition</p> <p>21 is a complete, true, and accurate transcription of</p> <p>22 said shorthand notes taken down at said time.</p> <p>23 I further declare that I am not a</p> <p>24 relative or employee of any party involved in said</p> <p>25 action, nor a person financially interested in the</p> <p>action.</p> <p>Dated at Las Vegas, Nevada this 1st</p> <p>day of June, 2011.</p> <p style="text-align: right;">CAMEO L. KAYSER, RPR, CCR No. 569</p> <p style="text-align: right;">Page 225</p>